

heterocycloalkyl, heterocycloalkyl(alkylene), heterocycloalkyl(heteroalkylene), heteroaryl, heteroaryl(alkylene), and heteroaryl(heteroalkylene).

## REMARKS

Reconsideration of the above-identified application is respectfully requested in view of the amendments and remarks set forth herein. Claims 1-46 were pending. Claims 1-30 and 43-44 are withdrawn. By this response, claims 31-40 and 46 are cancelled. Claims 41 and 45 are amended, and new claims 47-59 have been added. Support for the amendments and new claims can be found throughout the instant application as filed, including the original claims, as discussed below. No new matter has been added

Claims 31-42 remain rejected under 35 U.S.C. § 112, first paragraph as allegedly lacking enablement. The Action alleges that the ordinary artisan could not make and/or use the instantly claimed invention without undue experimentation.

Applicants respectfully traverse this rejection and submit that the claims as currently amended are fully supported by the instant specification. The Examiner has reiterated the grounds of rejection and stated that applicants' previous arguments were not found to be persuasive. Reconsideration and withdrawal of the rejection are respectfully requested.

Without acquiescing to the ground of rejection, applicants have cancelled claims 31-40 and 46. Claims 41 and 45 are amended to more distinctly claim subject matter disclosed in the specification. New claims 47-55 depend from claim 45. New claim 56 is supported in the application at page 50, line 5, and the chemokine receptor is now recited to be IL-8 or GRO- $\alpha$ . These receptors were tested in Example 21, page 47, and the results shown in Table 3 at page 51. Applicants submit that this amendment addresses the Examiner's concern regarding the various types of chemokine receptors that act on the G-proteins, and renders moot the issues regarding the different chemokine receptors and ligands, in support of which the Examiner cited Wikipedia. (To applicants' knowledge, Wikipedia is not recognized as a textbook or peer-reviewed article for the accuracy of scientific details.)

Applicants have reviewed the caselaw and references cited by the Examiner in support of the assertion that the claims prior to the current amendment were not enabled. In view of the current amendment to recite two chemokine receptors (IL-8 and GRO- $\alpha$ ) and to further define the range of possible groups on the claimed compounds, applicants submit that the alleged unpredictability of the art is addressed. It is acceptable to have some number of non-working examples within a class of chemical constituents on a compound, so the Examiner's assertion that some specific embodiments may show inconsistent activity does not negate enablement of that class of compounds.

Regarding specific claim language, the Examiner stated that the scope of "inflammation event" in claim 41 is unclear. The specification states that, "[c]hemotactic cytokines (chemokines) are a class of potent inflammatory mediators that have the potential to attract specific subsets of leukocytes to sites of inflammation." (Page 1, lines 14-16.) In accordance with this language, applicants have amended claim 41 to track the language of the specification. Claim 40 has been cancelled, rendering moot the Examiner's remarks at page 7 of the Office Action.

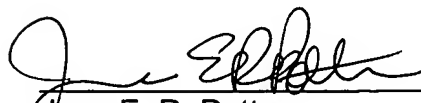
In view of the foregoing remarks and amendments, Applicants submit that the Action has not met its burden of showing a *prima facie* case of lack of enablement under 35 U.S.C. § 112, first paragraph, or that undue experimentation is required in order to practice the invention as claimed. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

If additional fees are believed necessary, the Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 04-0258.

All of the claims in the application are believed to be allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

If questions remain regarding this application, the Examiner is invited to contact the undersigned at (206) 757-8122.

Respectfully submitted,  
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